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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,749	03/29/2004	Daniel G. O'Neil	50037.223US01	2821
27488 7590 06/27/2008 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
SABOURI, MAZDA				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/811,749

**Applicant(s)**

O'NEIL ET AL.

**Examiner**

MAZDA SABOURI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 8-12, 14-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8-12, 14-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/28/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims filed on 6/8/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 1-3,5,8-12,14-16 and 19** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0159189 (Iyer) in view of US 2003/0050058 (Walsh et al.).
7. **As to claim 1**, Iyer teaches a method for scenario synchronizing between a primary display (136, fig 12) and a secondary display (222, fig 12) of a communication device, comprising:
  - a. Providing an application (recent call notification), wherein the application provides a first level of information and functionality to the primary display, wherein the first level of information includes a selected list element (selected incoming call from scrolled list of calls) and additional list elements of a list, wherein the application provides a second level of information and functionality to the secondary display, wherein the second level of information includes the selected list element (see paragraphs 31-35 and 48-53. Note that paragraphs

48-53 teach an embodiment in which the external display is a separate and distinct display)

b. Upon accessing the secondary display, the application causes the display of the selected song title of a list on the secondary display according to the second level of information (single selected incoming call shown on external display) (see paragraphs 31-35 and 48-53);

c. Upon accessing the primary display, the application causes automatic retrieval of the first level of information, wherein the application causes the selected list element of the list that was selected on the secondary display to be displayed in the primary display according to the first level of information (full list of incoming calls shown on internal display) (see paragraphs 29, 31-35 and 48-53).

d. What is lacking from Iyer is the application being a music application and the list elements being a list of song titles and highlighting a selected song. In a similar field of endeavor, Walsh teaches a communication device (client device) having a music application (downloading music) and having a list of song titles (including a highlighted song) for display on the client device (see Walsh, paragraphs 52 and 53). Walsh teaches motivation for having a music application in a communication device. Walsh teaches that newer mobile technology will provide "PC-like application" to communication devices (see Walsh, paragraphs 2-10). It would have been obvious to one of ordinary skill in the arts at the time

the invention was made to combine the teachings of Walsh into those of Iyer, for the reasons mentioned above.

8. **As to claim 8**, Iyer teaches system for scenario synchronizing in a communication device (120, fig 1), comprising:

- e. A secondary display (222, fig 12);
- f. A primary display (136 fig 12) coupled to the secondary display;
- g. An application (recent call notification) that activates upon the occurrence of a user-initiated event (incoming call) at the communication device, wherein:
  - i. The application provides a first level of information (list of recent calls) and functionality to the primary display, wherein the first level of information includes a list of elements (see Iyer, paragraphs 29-32 and 48-53).
  - ii. The application provides a second level of information (a recent call) and functionality to the secondary display, wherein the second level of information includes a selected element from the list of elements (see Iyer, paragraphs 31-35 and 48-53. Note that paragraphs 48-53 teach an embodiment in which the external display is a separate and distinct display).
  - iii. Upon accessing the secondary display, the application causes the display of the selected list element of a list on the secondary display according to the second level of information (single selected incoming call shown on external display) (see paragraphs 31-35 and 48-53);

- iv. Upon accessing the primary display, the application causes automatic retrieval of the first level of information, wherein the application causes the selected list element of the list that was selected on the secondary display to be displayed in the primary display according to the first level of information, wherein assessing the primary display causes the application to select (incoming calls on internal displays scrolled through and selected, highlighting is implied) the selected list element in the primary display (full list of incoming calls shown on internal display) (see paragraphs 29, 31-35 and 48-53).
  - h. What is lacking from Iyer is the application being a music application and the list elements being a list of song titles and highlighting a selected song. In a similar field of endeavor, Walsh teaches a communication device (client device) having a music application (downloading music) and having a list of song titles (including a highlighted song) for display on the client device (see Walsh, paragraphs 52 and 53). Walsh teaches motivation for having a music application in a communication device. Walsh teaches that newer mobile technology will provide "PC-like application" to communication devices (see Walsh, paragraphs 2-10). It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Walsh into those of Iyer, for the reasons mentioned above.
9. **As to claim 16**, Iyer teaches a computer-readable storage medium on which is stored a computer program for scenario synchronizing between a primary display (136

fig 12) and a secondary display (222, fig 12) of a communication device, the computer program comprising instructions, which when executed by a computer, perform:

- i. Displaying an element (recent call) of a list of elements (list of recent calls) on the secondary display, wherein the element of the list of elements is navigable from the secondary display, wherein the element of the list of elements is associated with an application (recent call notification) (see Iyer, paragraphs 31-35 and 48-53. Note that paragraphs 48-53 teach an embodiment in which the external display is a separate and distinct display);
- j. Accessing the primary display (see Iyer, paragraphs 29 and 30 and 48-53);
- k. Automatically retrieving additional element of the list of elements associated with the application (a list of recent calls is displayed on the internal display when the device is opened) (see Iyer, paragraphs 31 and 32 and 48-53);
- l. In response to accessing the primary display, automatically displaying, on the primary display, the selected list element (selected scrolled incoming call) that was selected on the secondary display and the additional list elements of the list from the application, wherein accessing the primary display causes the application to cause the display of the selected list element that was selected on the secondary display and to cause the selected list element to be shown on the primary display (full list of incoming calls shown on internal display when device is open) (see Iyer, paragraphs 29, 31-35 and 48-53);



- m. In response to accessing the secondary display after the primary display has been accessed, causing the application to cause the secondary display to automatically display, the selected list element that is selected on the primary display (single selected incoming call shown on external display).
- n. What is lacking from Iyer is the application being a music application and the list elements being a list of song titles and highlighting a selected song. In a similar field of endeavor, Walsh teaches a communication device (client device) having a music application (downloading music) and having a list of song titles (including a highlighted song) for display on the client device (see Walsh, paragraphs 52 and 53). Walsh teaches motivation for having a music application in a communication device. Walsh teaches that newer mobile technology will provide "PC-like application" to communication devices (see Walsh, paragraphs 2-10). It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Walsh into those of Iyer, for the reasons mentioned above.
10. **As to claims 2,11 and 19**, Iyer further teaches that the communication device is a clamshell flip-style device (see Iyer, paragraph 30).
11. **As to claims 3 and 12**, Iyer further teaches that opening the device makes the primary display accessible (see Iyer, paragraph 30).
12. **As to claim 5**, Iyer further teaches dismissing (a new recent call can be brought up on the external display) the information associated with the event from the secondary display (see Iyer, paragraph 32).

13. **As to claim 14**, Iyer further teaches first set of hardware (150,151, fig 2) manipulating information associated with the event on the secondary display (see Iyer, paragraphs 28 and 32).
14. **As to claim 15**, Iyer further teaches second set of hardware (134, fig 1) for manipulating the additional information associated with the event on a primary display (see Iyer, paragraph 27).
15. **As to claim 9**, Iyer further teaches that the primary display is larger than the secondary display (see Iyer, paragraph 31).
16. **As to claim 10**, Iyer further teaches that the secondary display is located on the outer surface of the communications device (see Iyer, figure 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAZDA SABOURI whose telephone number is (571)272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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